premises; *Boreel* v. *Lawton* (1882) 90 N. Y. 293; and that to maintain an action on a covenant for quiet enjoyment an eviction is necessary. *Greenwood* v. *Wetterau* (1903) 84 N. Y. Supp. 287; *Fuller Co.* v. *Manhattan Const. Co.* (1904) 44 Misc. 219, 88 N. Y. Supp. 1049. But where the covenant expressly provided that the lessee was to occupy free from any "let, suit, trouble or hindrance", an unwarranted suit by the lessor constituted a breach of it, although the lessor remained in possession. *Paddell* v. *Janes* (1915) 90 Misc. 146, 152 N. Y. Supp. 948. Recently this result has also been reached even where the covenant was worded as usual. *Ginsburg* v. *Woolworth Co.* (1917) 179 App. Div. 364, 166 N. Y. Supp. 494. In the instant case, if no legal right of the plaintiff has been invaded, the courts would probably be slow to create a purely equitable one for his benefit. But if, departing from the rule of the older cases, the tendency evinced by the *Ginsburg* case should be followed, then the plaintiff has been legally damaged. In this event, since an action for damages would be an inadequate remedy, an injunction should issue.

LIENS—WORK AND LABOR—TRANSPORTATION.—The plaintiff claimed title to certain ore as the purchaser at an execution sale. The defendant claimed as the purchaser at a sale to foreclose liens asserted by employees of one H, the original owner, because they had hauled the ore from the mine to a railroad station. An Arkansas statute provided that: "Laborers who perform work and labor on any object . . . , shall have an absolute lien on such object . . . " Ark. Stat. (Kirby, 1904) § 5011. *Held,* for the plaintiff. *Ruddell et al.* v. *Reves* (Ark. 1920) 225 S. W. 316.

At common law a lien on personalty was dependent upon the possession of the chattel. See *Lickbarrow* v. *Mason* (1793) 6 East 21 n., 27 n. This is not true in maritime law. See *Ex parte Foster* (1842) 2 Story 131, 144. Since a servant at common law had only custody, it is evident that the statute was for the purpose of changing the common law so far as laborers were concerned. The Arkansas courts have accepted as their definition of a laborer "one who labors in a toilsome occupation—a man who does work that requires little skill as distinguished from an artisan." See *Dano* v. *M. O. etc. R. R.* (1872) 27 Ark. *564, *567. Further, a teamster engaged in hauling is a laborer. *Allen* v. *Roper* (1905) 75 Ark. 104, 86 S. W. 836. In the instant case the court disallowed the liens on the ground that the hauling was not for the purpose of getting further work done on the chattels, citing *Klondike Lumber Co.* v. *Williams* (1903) 71 Ark. 334, 75 S. W. 854; *Allen v. Roper, supra.* In the *Klondike* case, where the logs were hauled from the forest to the mill, the court intimated that the liens were allowed because the hauling contributed directly to the production of the subject of the lien; but in the *Allen* case it does not appear that any work was done on the logs after the mere hauling was complete. If therefore, hauling is to be considered as "work and labor done on an object", it seems that there is no reason for the refinement made by the court in the instant case. So long as hauling enhances the value of the chattel, which admittedly it does, the court should not have gone into the question of whether the hauling was for the purpose of having further work done; but should have allowed the lien.

MANDAMUS—JURISDICTION OF COURTS TO PASS ON CONSTITUTIONALITY OF INITIATORY PETITION.—Pursuant to the Michigan Constitution, Article 17, § 2, relating to initiatory petitions for submission to the electors of a proposed constitutional amendment, a petition in proper form was filed in the office of the Secretary of State. The Secretary of State refused to submit the proposed amendment to the electors on the ground that the amendment, if passed, would violate the Federal Constitution. The plaintiff applied for a writ of mandamus to compel such sub-